

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wassim Abedrabbo	Team: Squad #12	CCRB Case #: 201801527	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/29/2017 5:30 PM	Location of Incident: § 87(2)(b) over the phone	18 Mo. SOL 5/29/2019	Precinct: 49		
Date/Time CV Reported Fri, 02/23/2018 2:50 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 02/23/2018 2:50 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Joseph Cordones	5046	944463	049 PCT
2. An officer			
3. POM Jeremy Grossman	31741	952812	049 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Yael Padilla	17407	959034	049 PCT
2. POF Kathy Salem	13409	963737	049 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Jeremy Grossman	Discourtesy: At § 87(2)(b) in the Bronx, Police Officer Jeremy Grossman spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B . An officer	Abuse: At § 87(2)(b) in the Bronx, an officer damaged § 87(2)(b)'s property.	§ 87(2)(b)
C . SGT Joseph Cordones	Discourtesy: At § 87(2)(b) in the Bronx, Sergeant Joseph Cordones spoke discourteously to § 87(2)(b)	§ 87(2)(b)
D . An officer	Discourtesy: At § 87(2)(b) in the Bronx, an officer acted discourteously toward § 87(2)(b)	§ 87(2)(b)
E . SGT Joseph Cordones	Abuse: Over the phone, Sergeant Joseph Cordones threatened to arrest § 87(2)(b)	§ 87(2)(b)

Case Summary

On November 30, 2017, § 87(2)(b) filed this complaint with the CCRB via telephone.

On November 29, 2017, at approximately 5:30 p.m., Sergeant Joseph Cordones, Police Officer Jeremy Grossman, Police Officer Kathy Salem, and Police Officer Yael Padilla, all of the 49th Precinct, arrived at § 87(2)(b) in the Bronx in response to a 9-1-1 call made by § 87(2)(b). After the officers obtained § 87(2)(b)'s ID and spoke to § 87(2)(b) who made allegations against her tenant, § 87(2)(b) walked the officers to the tenant's apartment on the lower level of the building. After they entered, § 87(2)(b) allegedly heard PO Grossman say, "Oh I guess we are back again, this girl is nuts" (**Allegation A: Discourtesy – Word**, § 87(2)(g)). Shortly after the officers entered, § 87(2)(b) returned to her apartment on the main floor of the building.

Approximately 20 minutes after the officers entered the apartment, they went up to § 87(2)(b)'s apartment where she was standing in the hallway in front of her apartment. Sgt. Cordones asked § 87(2)(b) to put clothes and shoes on and informed her that she would be going with them to the stationhouse. After a brief exchange, § 87(2)(b) went into her apartment and she locked the door. § 87(2)(b) allegedly heard 10 to 15 "bangs" against her apartment door, which she believed was an officer kicking and damaging her door (**Allegation B: Abuse of Authority – Property Damage**, § 87(2)(g)).

After the officers walked out of the building to leave the location, § 87(2)(b) opened the window of her apartment and yelled to Sgt. Cordones that he could not take the ID. In response, Sgt. Cordones allegedly said, "I can do whatever the fuck I want" (**Allegation C: Discourtesy – Word**, § 87(2)(g)). As the officers left, one of the officers allegedly left § 87(2)(b)'s ID on her driveway (**Allegation D: Discourtesy – Action**, § 87(2)(g)).

Approximately 15 minutes later, § 87(2)(b) received a call from Sgt. Cordones, who told her that she should go to the stationhouse and that he would issue a warrant for her arrest (**Allegation E: Abuse of Authority – Threat of Arrest**, § 87(2)(g)).

§ 87(2)(b) was arrested for § 87(2)(a) 160.50 and issued a desk appearance ticket two weeks after the incident date in connection with the incident under investigation (**Board Review 09**).

Video was not obtained in relation to this incident.

Findings and Recommendations

Allegation (A) Discourtesy: At § 87(2)(b) in the Bronx, Police Officer Jeremy Grossman spoke discourteously to § 87(2)(b)

It is undisputed that PO Grossman responded to § 87(2)(b) in the Bronx at least once prior to November 29, 2017, when § 87(2)(b) called 9-1-1 on her tenants.

During her CCRB statement, § 87(2)(b) stated that when PO Grossman first arrived he said, "I remember this house. What's the problem? There always seems to be a problem here" (**Board Review 01**). § 87(2)(b) informed the officers that she called because her tenants purposefully leave the gas switch on, place clothes underneath the boiler, and remove smoke detectors, in attempt to set the house on fire. After informing the officers why she called, she

walked the officers to her tenant's apartment door. After the officers entered, § 87(2)(b) heard PO Grossman say, "Oh I guess we are back again. This girl is nuts."

The investigation contacted § 87(2)(b)'s tenant, § 87(2)(b) whom she called 9-1-1 on and was present at the time of the alleged statement (**Board Review 02**). During a phone statement, § 87(2)(b) stated that after the officers entered, they mentioned that they could have been doing something "better" with their time. She stated that she did not hear any of the officers say that § 87(2)(b) was "nuts" or crazy, but said her husband made a statement to that effect. § 87(2)(b) explained that because § 87(2)(b) made false allegations against her and her husband to get them removed from the apartment, her husband always described § 87(2)(b) as "nuts" or "crazy when officers arrived."

During PO Grossman's CCRB interview, he stated that he responded to § 87(2)(b) one time before November 29, 2018, for which he did not recall the details (**Board Review 03**). He did not mention to § 87(2)(b) that he recalled being at the location previously. After speaking with § 87(2)(b) she directed PO Grossman and Sgt. Cordones to the tenant's apartment. She did not go to the apartment with them, but rather she remained near her apartment with PO Salem and PO Padilla. PO Grossman did not say, "I guess we are back again, this girl is nuts."

Sgt. Cordones provided a statement generally consistent with PO Grossman, except he stated that § 87(2)(b) walked PO Grossman, PO Salem, and himself all the way to the tenants' apartment door (**Board Review 04**). PO Grossman did not say "this girl is nuts." No officer had any discussion with the tenants about § 87(2)(b)'s mental state.

PO Salem provided a statement generally consistent with PO Grossman, except that it was PO Grossman and herself that went to the tenant's apartment while Sgt. Cordones and PO Padilla remained at the main level by § 87(2)(b)'s apartment (**Board Review 05**).

PO Padilla provided a statement general consistent with PO Grossman; however, he stated that all four officers went to the tenant's apartment to speak with her regarding the issue (**Board Review 6**). PO Grossman did not say, "This girl is nuts" in reference to § 87(2)(b) while speaking with the tenants.

§ 87(2)(g)

Allegation (B) Abuse of Authority: At § 87(2)(b) in the Bronx, an officer damaged § 87(2)(b)'s property.

It is undisputed that after being instructed by Sgt. Cordones to put clothes and shoes on so that she can go to the stationhouse with the officers, § 87(2)(b) went into her apartment and locked the door to avoid going.

§ 87(2)(b) stated that after she went into her apartment and locked the door to avoid being taken to the stationhouse, she heard loud bangs on the door. The sounds of the bangs lead her to believe that the door was being kicked. She did not see who it was that was banging on the door; however, just before she closed the door Sgt. Cordones was standing closest to the door and

he was the officer making verbal commands for her to open the door. When § 87(2)(b) exited her apartment later that day, she noticed damage to her door which she attributed to the kicks against the door (**Board Review 01**).

§ 87(2)(b) provided a photo of the damage she believed her door sustained (**Board Review 07**). The door does not clearly depict dents into the door; however, there are black scuff marks at the lower third portion of the door.

Sgt. Cordones stated that after he spoke to the tenants, who made allegations of stalking and harassment, a complaint report was generated and the officers returned to § 87(2)(b) to place her under arrest. After § 87(2)(b) went into her apartment and closed the door, he attempted to turn the knob of the door. After realizing the door was locked, Sgt. Cordones knocked on the door “sternly” with a closed fist. He did not kick the door or see any officer kick the door of the apartment. He then made verbal commands to § 87(2)(b) to open the door, but she did not comply (**Board Review 04**).

PO Grossman and PO Padilla provided statements consistent with that of Sgt. Cordones (**Board Review 03**) (**Board Review 06**).

PO Salem stated that after she exited the tenants’ apartment with the other officers, she walked out of the building to prepare paperwork. She did not witness what occurred when Sgt. Cordones, PO Grossman, and PO Padilla approached § 87(2)(b) to bring her back to the stationhouse (**Board Review 05**).

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Discourtesy: At § 87(2)(b) in the Bronx, Sergeant Joseph Cordones spoke discourteously to § 87(2)(b)

Allegation (D) Discourtesy: At § 87(2)(b) in the Bronx, an officer acted discourteously toward § 87(2)(b)

During her CCRB statement, § 87(2)(b) stated that when she initially spoke to the officers, Sgt. Cordones requested her ID card. Sgt. Cordones kept her ID card throughout their interaction on that day and after the officers walked away from her apartment door when she refused to comply, they exited her home with her ID. She opened the window of her apartment and told Sgt. Cordones that he still had her ID and that he could not take it with him. In response Sgt. Cordones said, “I can do whatever the fuck I want.” The officers then left the location.

When § 87(2)(b) left her home later that day, she saw her ID card on the ground in front of her apartment. She did not see how the ID card got there. The last person that she saw the ID with was Sgt. Cordones (**Board Review 01**).

§ 87(2)(b) did not witness any interactions between § 87(2)(b) and the officers (**Board Review 02**).

Sgt. Cordones stated that he did not recall obtaining § 87(2)(b)’s ID at any point during the interaction. He did not know if any other officer obtained § 87(2)(b)’s ID. He did not speak with § 87(2)(b) while standing outside her house through the window. He did not say, “I can do whatever the fuck I want.” He did not hear any other officer make that statement. He

did not throw § 87(2)(b)'s ID onto the ground outside of the home and leave it there, and he did not see any other officer do so (**Board Review 04**).

During his CCRB statement, PO Grossman stated that he did not recall who obtained § 87(2)(b)'s ID; however, one of the officers slid it under § 87(2)(b)'s apartment door before exiting the building. He did not hear § 87(2)(b) yell from her window while standing outside. Sgt. Cordones did not yell, "I can do whatever the fuck I want" to § 87(2)(b). He did not say so himself. He did not see any officer throw § 87(2)(b)'s ID onto the ground, and he did not do so himself (**Board Review 03**).

PO Salem stated that an officer obtained § 87(2)(b)'s ID, but she did not know by who or at which point. She was handed the ID by one of the officers to complete the complaint report on behalf of § 87(2)(b) against § 87(2)(b). After she completed the report, an officer directed her to the door. § 87(2)(b) went into and locked and PO Salem slid the ID under the door. While outside of § 87(2)(b) in the Bronx, § 87(2)(b) did not open a window and yell out to the officers. She did not hear Sgt. Cordones say, "I can do whatever the fuck I want," she didn't hear any other officer make that statement, and she did not say that herself. She did not see any officer throw § 87(2)(b)'s ID onto the ground in front of the home (**Board Review 05**).

During his CCRB statement, PO Padilla stated that he did not recall if § 87(2)(b)'s ID was obtained during the interaction. After exiting the building, he did not remember seeing or hearing § 87(2)(b) yell out of the window about her ID being taken. He did not hear Sgt. Cordones say, "I can do whatever the fuck I want." He did not hear any other officer make that statement. He did not see any officer throw § 87(2)(b)'s ID on the ground in front of the home before leaving the location (**Board Review 06**).

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Over the phone, Sergeant Joseph Cordones threatened to arrest § 87(2)(b)

It is undisputed that after speaking with § 87(2)(b)'s tenants, Sgt. Cordones returned to § 87(2)(b) to place her under arrest, but she ran into her apartment, closed the door, and refuse to go out. It is also undisputed that after leaving § 87(2)(b) Sgt. Cordones called § 87(2)(b) via telephone and informed her that documentation was being prepared that would lead to her eventual arrest. Finally, it is undisputed that § 87(2)(b) was arrested on a later date in relation to the allegations made by her tenant (see below).

§ 87(2)(b) stated that approximately 15 minutes after the officers left the location, she received a phone call from Sgt. Cordones; during which, he told her that she should go to the stationhouse and she told him that she was not going to do that. In response, he told her that he was going to issue a warrant for her arrest (**Board Review 01**).

Sgt. Cordones stated that when he spoke to § 87(2)(b) she made allegations of harassment against § 87(2)(b). After § 87(2)(b) corroborated her allegations, he and the officers went

back to § 87(2)(b)'s apartment to place her under arrest. After unsuccessful attempts to get § 87(2)(b) to comply, the officers left the location. Upon leaving the location and resuming patrol, Sgt. Cordones received another call reported to 9-1-1. He was provided a phone number that he called, which turned out to be § 87(2)(b)'s phone number. He did not intentionally call her to tell her he would arrest her, but he informed her that allegations of stalking were made against her and that a complaint report was going to be generated in her name regarding the allegations. He told her that she should go to the 49th Precinct stationhouse because she can be arrested as a result of the complaint report. He did not tell her that a warrant would be issued for her because of the incident (**Board Review 04**).

On November 29, 2017, complaint report # § 87(2)(b) was generated by PO Salem, which listed § 87(2)(b) as the perpetrator (**Board Review 08**). § 87(2)(a) 160.50

On December 15, 2017, § 87(2)(b) was arrested by Detective Michael Gersch of the 49th Precinct Detective Squad for § 87(2)(a) 160.50 (**Board Review 09**). In the complaints section, complaint report # § 87(2)(b) was listed as the connected complaint report. § 87(2)(a) 160.50

New York State Penal Law 120.45 (**Board Review 10**). A person is guilty of stalking in the fourth degree when they intentionally, and for no legitimate purpose, engage in conduct directed at a specific person causing the person to reasonable fear that their employment is threatened. Such conduct can consist of telephoning the victim's place of employment or business. Stalking in the fourth degree is a class B misdemeanor.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to four CCRB complaints and has been named as a victim in 22 allegations (**Board Review 11**):
 - § 87(2)(b)
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 -
 -
 -
- Sgt. Cordones has been a member of service for 10 years and has been a subject in five CCRB complaints and nine allegations, of which two allegations were substantiated:

- Case number 201015877 involved substantiated allegations of a stop and a frisk against Sgt. Cordones. The Board recommended charges and the NYPD imposed instructions.
 - § 87(2)(g) [REDACTED]
- PO Grossman has been a member of service for five years and has been a subject in two CCRB complaints and five allegations, of which two allegations were substantiated:
 - Case number 201506367 involved substantiated allegations of a stop and a question against PO Grossman. The Board recommended Command Discipline A and the NYPD Command Discipline A.
 - § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of May 7, 2018, § 87(2)(b) has not filed a Notice of Claim with the NYC Comptroller's Office (**Board Review 12**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]

Squad No.: 12

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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